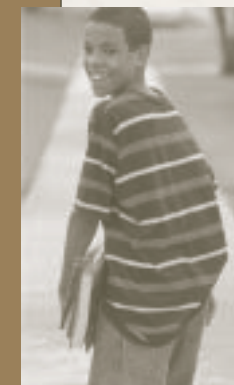
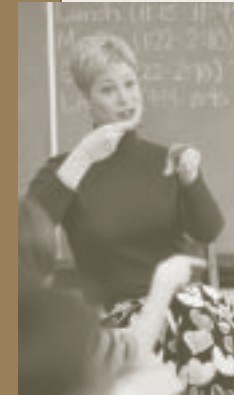


# The California Advisory Commission on Special Education



**Annual Report**  
2000–2001



California Department of Education  
Special Education Division

# **The California Advisory Commission on Special Education**

**Annual Report  
2000–2001**

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ACSE’s membership directory, meeting schedule, agendas, minutes, and past annual reports are available online at <http://www.cde.ca.gov/spbranch/sed/acse/acseindx.htm>.



Publishing Information

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<http://www.cde.co.gov/spbranch/sed>  
Additional copies may be obtained by calling the Special Education Division at 916/445-4613.

A Look Forward



As we look toward the 2001–2002 term, members of the Advisory Commission on Special Education plan to continue working closely with general and special education personnel at the state level, along with various committees, the governor, the legislature, and stakeholder groups. Our goal is to ensure that the needs and rights of students receiving special education services are carefully considered

when these individuals and groups make decisions on significant issues. Among the most important of those issues are the High School Exit Exam, criteria for earning a high school diploma, participation in graduation exercises, special education services for foster youth living in licensed children’s institutions, and compliance with state and federal laws and regulations.

In addition, based upon the focus of the National Association of State Directors of Special Education (NASDSE), the Commission will be gathering information, examining the issues, and making recommendations on the following topics:

- |   |  |
|---|--|
| • Accountability for Results                | • Unified System of Education                  |
| • Interagency Coordination                  | • Qualified Personnel                          |
| • Early Intervention and Preschool Services | • Discipline — Positive Behavior Support       |
| • Conflict Resolution                       | • Charter Schools, School Choice, and Vouchers |
| • Funding                                   |  |

Decisions on these issues promise to yield immediate and long-lasting effects for students with disabilities. The Commission will continue to champion the rights of these students throughout California.

# Contents

### Public Input

At each monthly meeting, the Commission offers to the public a forum for presenting issues and concerns on the topic of special education. During the 2000–2001 year, numerous individuals and organizations took advantage of this opportunity. The Commissioners heard from SELPA representatives, the Commission on Teacher Credentialing (CTC), the California Association of Resource Specialists and Special Education Teachers (CARS+), the Special Education Community Advisory Committee (CAC), the Low Incidence Disability Advisory Committee (LIDAC), the California Speech-Language-Hearing Association (CASHA), the California School for the Deaf (Fremont), the Deaf Education Coalition (IMPACT), the California Association of School Psychologists (CASP), the California Teachers Association (CTA), the California State Parent Teacher Association (PTA), legislative consultants, and many others. The representatives from these organizations and the diverse issues they bring to our attention are invaluable sources of information and inspiration for the Commission.



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# Acknowledgments

The Advisory Commission on Special Education wishes to acknowledge the dedicated contributions of the following individuals who gave unstintingly of their time and talents to promote the work of the Commission:

**Lou Cassani**  
Former Vice Chair,  
Advisory Commission on Special Education  
*Worked on the following liaison assignments: Stakeholders’ Key Performance Indicators, Commission on Teacher Credentialing (CTC), and Federal Review Corrective Action Plan*

**Shawn Mohamed**  
Former Student Member,  
Advisory Commission on Special Education  
*Worked on the following liaison assignments: Youth Leadership Forum and Deaf Education Task Force*

**Danielle Morin**  
Former Student Member,  
Advisory Commission on Special Education  
*Worked on the Youth Leadership Forum liaison assignment*

**Kathryn Dronenburg**  
Former Liaison to the Advisory Commission on  
Special Education from the State Board of Education

**Veronica Lomeli**  
Former Member,  
Advisory Commission on Special Education

# Additional Activities and Reports

## California School for the Blind – Fremont

The October meeting of the Advisory Commission was held at the California School for the Blind, where Commissioners viewed classes and presentations by the students. These presentations made clear to the Commissioners the effectiveness of the programs and the high degree of satisfaction in the students. The Commissioners commend the school and its students for their exemplary effort and work.

## Medicaid Reimbursement and Special Education

The document *Medicaid Cost Recovery Efforts by Schools: Why California Isn’t Doing Very Well* was shared with the Commission as part of a presentation on how California could be recovering significantly greater revenues under Medicaid. Basically, the districts and the special education local plan areas (SELPAs) need to report more thoroughly the services being provided. This may also require the state to renegotiate its agreements with the federal government. The Commission is committed to supporting the efforts of the state’s school districts to keep records that allow them to bill Medicaid for certain kinds of services, and to supporting the state in setting up a system for this to happen.

## Ethnic Enrollment in Special Education

California is currently under a court order to monitor the extent to which students of various ethnic groups, particularly African American and Hispanic, are identified as needing special education services. A presentation by staff from the California Department of Education suggested a number of ways to compare this disproportionate representation of ethnic groups. Based on data from 1998–99, the percent of minority students in California’s special education programs, as compared to the percent in general education, were as follows:

	% in general education	% in special education
Hispanic	41	38
White	38	42
Asian	11	7
African American	9	13

In the category of mental retardation, African American and Hispanic students were overrepresented; in the category of emotional disturbance, African American and white students were overrepresented, followed by Hispanics; and in the category of gender, males were overrepresented two-to-one.

Low Incidence Disability Advisory Committee (LIDAC)

Shirley Kaltenborn/Angela Hawkins

The Low Incidence Disability Advisory Committee developed out of the Joint Action Committee of and for Programs and Agencies for the Visually Impaired (JAC). The deputy superintendent encouraged the formation of an impartial advisory panel. Currently, LIDAC has four subdivisions: Deaf and Hard of Hearing, Deaf-Blind, Orthopedically Impaired, and Visually Impaired. The group meets three times a year, alternating between the northern and southern parts of the state. The participants are teachers, parents, specialists, interns, and consumers of services. They have had a productive working relationship with the Commission and the California Department of Education. The current topics of interest include the Superintendent of Public Instruction’s Blindness Advisory Taskforce, standards for assistive technology, hiring of substitutes for itinerant teachers, and BTSA (Beginning Teachers Support and Assessment program).

Specific Learning Disability Eligibility Criteria

Loeb Aronin

The Special Education Division of the California Department of Education established a workgroup composed of individuals with diverse backgrounds and professional affiliations to address strategies for improving the schools’ efforts to accurately identify students with specific learning disabilities. ACSE commissioners have served on this workgroup since its inception, and share three concerns with the other members: too many students are being recommended for specific learning disability eligibility; a very large number of students with ethnically diverse backgrounds are being recommended; and teachers often lack the training they need to measure the progress of students, analyze their academic needs, and implement specific interventions before they refer students for assessment for specific learning disabilities.

The workgroup made a number of recommendations for revising the eligibility criteria under the California Code of Regulations, Title 5 Section 3030 j. The most important of these recommendations requires general education teachers to institute a more structured assessment process to insure an accurate record of specific academic problems the student is having; to document what interventions they have tried with a student; and to identify how successful these interventions have been in the effort to provide remedial support.

Finally, the workgroup recommended that several pilot identification projects be funded to explore alternative eligibility criteria that might be approved for use with the SLD classification. This recommendation was implemented and the districts and SELPAs listed below reported their findings and made further recommendations in June 2001.

Pilot Sites:

- |  |  |
|--|--|
| Berkeley Unified School District             | El Rancho Unified School District      |
| Franklin-McKinley Elementary School District | San Diego City Unified School District |
| Stockton Unified School District             | Tehama County Office of Education      |

Executive Summary

Commission Goals for 2000–2001



Mandated by federal and state law, the Advisory Commission on Special Education (ACSE) is required to study issues related to the education and unmet needs of individuals with disabilities and to provide recommendations to the governor, the state legislature, the state board of education, and the state superintendent of public instruction.

ACSE’s work plan for this year included monthly meetings, public hearings, forums in various parts of the state, and testimony to the California legislature and state board of education. The effects of these events have proven to be far-reaching. For example, one series of forums that ACSE hosted last year offered parents the opportunity to publicly present their concerns about due process hearings and to offer recommendations for improving the system. The McGeorge School of Law then made a report to ACSE in September 2000 addressing the changes that will be implemented for the 2000–2001 school year. We were pleased to see a significant overhaul of the selection and training of hearing officers, as well as procedural changes that now make the Due Process and Hearing and Mediation System more accessible to parents. These changes were based on the information gathered through the ACSE-sponsored forums, as well as through

questionnaires and interviews with district personnel.

ACSE Commissioners and other stakeholders also provided testimony before the Assembly Education Committee on the problems of district compliance with federal and state laws and regulations. This testimony supported the eventual funding of a significant number of Special Education Department

positions designed to assist special education local plan areas (SELPAs) and school districts come into compliance.

As the Advisory Commission worked to provide input to various public bodies in order to effect these and similar changes, Commissioners also met with numerous members of the California legislature, testified before legislative committees, and attended various meetings. In addition, ACSE provided liaisons to a significant number of organizations involved in and concerned with services for students with special needs. At every monthly ACSE meeting, the Commissioners entertained public input, with the meetings held at various locations throughout the state in an effort to make attendance possible for the largest number of individuals. Finally, ACSE has encouraged members to attend annual conferences of professional and parent groups.

Throughout the year, members of the Commission have studied the following major issues, determined the impact of these issues on pupils receiving special education instruction and services, and, where appropriate, made recommendations:

- High School Exit Exam
- Retention and promotion policies
- Accommodations and modified grading procedures
- The right to receive graduation diplomas and participate in graduation exercises
- The impact of the state's assessment program: SAT 9 and STAR tests
- Compliance on the part of the state and SELPAs with federal and state laws pertaining to programs and services for students with special needs
- Overcrowding in special education classes and the need to balance class size with the appropriate level of service
- The recruitment and retention of skilled special education teachers and service providers, including speech and language specialists and school psychologists
- The provision of special education and related services in charter schools
- Appropriate services for students in licensed children's institutions (LCI)
- Partnerships among stakeholders
- The needed changes in the Due Process Hearings and Mediation System to make the process more accessible to parents
- Alternative strategies for identifying students with learning disabilities
- Any proposed legislation that may have an impact on special education programs and services

Stakeholders Group

The Commission actively identified a large stakeholders group from members of the many organizations interested in special education. Parents, SELPA administrators, teachers, support personnel, and legislators were all part of this group. These representatives were invited to attend an Advisory Commission meeting to identify major challenges facing education. After achieving some consensus, the group agreed that those major issues included accountability, the high school exit exam, class size reduction, training for teachers and support staff, salaries, facilities, and general education needs. The Commissioners look forward to assisting the stakeholders as they address these important concerns.

Significant liaison activity occurred in the following areas:

Legislative: Senate Bill 1105

Barbara Monroe

During the 2000–2001 legislative session, the Advisory Commission on Special Education continued its ambitious and vigorous involvement with the State Legislature. This session, ACSE sponsored Senate Bill 1105, authored by Senator Bob Margett. The bill has passed through the Senate, the State Assembly Education Committee, and is currently in the Assembly Appropriations Committee. The bill revises provisions relating to the composition of the individualized education program (IEP) team, including the role of the regular education teacher, to conform California special education statutes to federal laws and regulations relating to the Individuals with Disabilities Education Act (IDEA). Sponsoring this bill is certainly one of the major, if not the most important, accomplishments of the Advisory Commission this past year.

High School Exit Exam

Barbara Monroe

Passed in March 1999, Senate Bill 2 authorized the High School Exit Examination (HSEE), which all students in California public schools will have to pass in order to receive a high school diploma. This law takes effect with the graduating class of 2004.

The purpose of the examination is to ensure that high school graduates can demonstrate competency in the content standards for reading, writing, and mathematics, adopted by the State Board of Education (SBE). The SBE has adopted Superintendent of Public Instruction Delaine Eastin's recommendation to establish a passing score of 60 percent correct for English language arts and 55 percent correct for mathematics. These passing scores were based on data from the March 2001 administration of the HSEE given to ninth graders on a voluntary basis.

A High School Exit Examination workgroup, consisting of California Department of Education (CDE) staff, including members of the special education division and an ACSE member, along with other major stakeholders, has been meeting to clarify assessment issues as they pertain to students in special education programs. Many students in special education have IEPs that stipulate testing accommodations. The workgroup is wrestling with questions of how many and what kinds of accommodations can be given to students in special education who take the Exit Exam. The workgroup must consider the purpose of testing and the skill intended to be measured in deciding whether an accommodation would be valid or invalid.

This workgroup will continue to meet so that they can develop a document to clarify assessment issues emphasized in each student's IEP. More information on the High School Exit Exam is available at <<http://www.cde.ca.gov/statetests/hsee/resource.html>>.

# Special Liaison Reports: 2001–2002

ACSE Commissioners commit themselves to acting as liaisons to the following organizations and topic areas, attending relevant meetings and reporting back to ACSE in an effort to keep the entire Commission abreast of important activities and changes in special education. The Commissioner named in each listing below is currently acting as liaison in that area:

**Commission on Teacher Credentialing (CTC)**  
Patty Boyle

**Comprehensive System of Personnel  
Development Advisory Committee (CSPDAC)**  
Linda Wyatt/Sam Swanson

**Cultural Diversity Focus Group**  
Larry Siegel/Karla Geller

**Deaf Education Task Force**  
Larry Siegel/Julie Kennedy

**Early Intervention**  
Sam Swanson

**High School Exit Exam Panel**  
Barbara Monroe

**IDEA Implementation/Federal Review/  
Corrective Action Plan (CAP)**  
Allison Brightman/Patty Boyle

**Juvenile Justice System**  
Janet Mangini/Julie Kennedy/Kevin Verdi

**Legislative**  
Shirley Kaltenborn/Barbara Monroe

**Low Incidence Disability Advisory Committee  
(LIDAC)**  
Shirley Kaltenborn/Angela Hawkins/  
Linda Wyatt

**Master Plan for Education**  
Patty Boyle

**Medi-Cal**  
Angela Hawkins/Sam Swanson

**Mental Health**  
Loeb Aronin/Karla Geller

**School to Career**  
Janet Mangini/Linda Wyatt/Karla Geller

**Special Education in Charter Schools**  
Barbara Monroe/Shirley Kaltenborn

**Special Education Stakeholders**  
Julie K. Kennedy/Jim Woodhead

**“Specialized Physical Health Care  
Procedures for Schools” Committee**  
Karla Geller/Patricia flores-Charter

**Specific Learning Disability Eligibility Criteria**  
Loeb Aronin/Patricia flores-Charter/Sam  
Swanson/Patty Boyle/Larry Siegel

**Stakeholders’ Key Performance Indicators**  
Angela Hawkins

**Standards and Alternate  
Assessment Accountability**  
Loeb Aronin/Jim Woodhead

**State Improvement Grant (SIG)/  
Partnership Committee on Special Education  
(PCSE)**  
Loeb Aronin/Linda Wyatt/Karla Geller/  
Sam Swanson

**Vocational Education Joint Advisory Committee**  
Linda Wyatt/Julie Kennedy

**Youth Leadership Forum**  
Linda Wyatt/Kevin Verdi/Sean Rossall

## Resource Specialist Program

Continuing its efforts of the past several years, the Commission entertained public input on enrollment in a number of special education programs, as that enrollment has exceeded the legal and/or professional limit. The Commissioners believe that these increased numbers adversely affect students and see the challenge as one of ensuring that special education students receive appropriate instruction as well as coordinated itinerant services. Commissioners have met with legislators and personnel from the Department of Education to work to establish criteria that could be used to ensure that students do receive quality instruction and services.

## Proposition 38: School Vouchers

The Commission heard speakers address the possible positive and negative effects of Proposition 38 on private and public school services for students with special needs. Commissioners expressed concern that the proposition would impact children with special needs by providing public money to schools that could then deny those children access as well as protections guaranteed by the Individuals with Disabilities Education Act (IDEA) and California special education law.

## Alternate Assessment Program

The Department of Education briefed the Commission on the development of an alternate assessment system for students who cannot participate in the state Standardized Testing and Reporting (STAR) program. This primarily includes one to two percent of students who participate in primarily functional or life-skills programs. A Commission representative has been participating

in the Department of Education committee that is developing the assessment instrument.

## Strategies to Improve the Identification of Students with Specific Learning Disabilities

Commissioners serve on a Department of Education-led workgroup to address efficient and effective methods of identifying students with specific learning disabilities, while being aware of and sensitive to cross-cultural differences.

## High School Exit Exam

The Commission has championed the guiding principle of the High School Exit Exam that provides maximum access to the examination for all students, regardless of their ability. To that end, the Commission passed motions to ensure that the examination committee make clear the acceptable accommodations for the examination, and that appropriate accommodations be listed in a student’s individualized education program (IEP) to ensure that those accommodations in fact address the unique needs of the individual student.

## Modified Grades Workgroup

The Commissioners served on the California Department of Education workgroup that addressed issues of grading and accountability in schools. Of particular concern have been and continue to be the statewide assessment efforts (SAT 9 and STAR tests) and the question of social promotion.

## Forging Partnerships Between Families and Schools

The Commission strongly supports the efforts of the CalSTAT (California Services for Technical



Assistance and Training) Family Partnerships Project in its efforts to include families as equal voices in the education of their children. The recommendations of the Family Partnerships Project can be viewed on their website at <<http://www.calstat.org/familypartners.html>>.

**Complaints and Mediation Management Unit, California Department of Education**

The Commission continues to receive updates on the nature and frequency of the complaints by parents about the educational services their children receive, the problems SELPAs (special education local plan areas) experience in their efforts to meet the needs of students, and the issues of compliance with federal and state laws and regulations. The California Department of Education, Special Education Division, provides considerable support, assistance, and strategic guidance to SELPAs in their effort to prevent and manage formal complaints. It is the Commission's intent to closely follow the efforts of the Complaints and Mediation Management Unit, because of the importance of its compliance function.

**Alternative Dispute Resolution**

The Commission showcased a model alternative dispute resolution program that demonstrated its effectiveness in offering a more positive and effective strategy for resolving differences than standard mediation or due process hearings. Commissioners are fully aware of the differing perceptions that parents and school personnel can have about eligibility or placement for special education services, and about the need to provide sensitive and practical methods for resolving differences.

**Ethnic Enrollment in Special Education**

The Commission is studying the topic of ethnic enrollment in special education because of a concern for overidentification of students of specific ethnic origins. California is currently under court order to monitor to what extent students of various ethnic groups, particularly African American and Hispanic, are identified as eligible for special education programs and services.

**Medicaid Reimbursement and Special Education**

ACSE is committed to supporting the efforts of the state's school districts to keep records that allow them to receive funds from Medicaid for certain kinds of services. ACSE also supports the state in setting up a system for this to happen. With other states receiving a significant amount of federal funding from Medicaid, ACSE sees it as extremely important for the California Department of Education to actively train and support SELPAs to implement effective strategies for accessing these funds.

**H.R. 651** (Graves)

A bill to amend the Individuals with Disabilities Education Act to provide increased authority for school personnel to discipline children with disabilities who engage in certain dangerous behavior. [Safe Classrooms Act of 2001] *Allison Brightman*

**H.R. 1500** (Nussle)

A bill to amend the Individuals with Disabilities Education Act to allow state educational agencies and local educational agencies to establish and implement uniform policies with respect to discipline and order applicable to all children within their jurisdiction to ensure safety and an appropriate educational atmosphere in their schools. [Freedom to Learn Act]

(Oppose: This bill is particularly detrimental to students with disabilities as it attempts to eviscerate the discipline provisions in IDEA.) *Allison Brightman*

**H. CON. RES. 91** (Christopher Smith)

A concurrent resolution recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them. *Patty Boyle*

ACSE Commissioners will be meeting in the fall of 2001 to determine their legislative direction for the 2001–2002 working year. There are numerous bills they are currently watching. As a group, they will wait to see how the language and direction of those bills develop before they establish a formal position.



B for fiscal year 2001, except where an LEA shows that it is meeting the requirements of Part B, it may petition the state to waive, in whole or in part, the 55 percent cap. If the secretary of education determines that an LEA is not meeting the requirements of Part B, the secretary may prohibit the LEA from treating funds received under Part B as local funds for any fiscal year, and may redirect the use of those funds to other educational programs within the LEA.

(Support: This resolution would fully support the Americans with Disabilities Act, which is central in protecting the rights of students with disabilities.) *Linda Wyatt*

**H.R. 466 (Hagel)**

A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under Part B of such act (Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act [IDEA]).

(Support: This resolution would mandate and fully fund the authorized 40 percent of the cost of educating children with disabilities, as promised by Public Law 94-142 in 1975 and again by Public Law 105-17 in 1997.) *Shirley Kaltenborn*

ACSE chose in particular House Resolution 466 to champion, since it supported the effort to fully fund at 40 percent the average per pupil expenditure of educating children with disabilities, as contained in IDEA.

ACSE Commissioners sent letters to H.R. 466’s author, the committee, the president of the United States, and the secretary of education. In general, the Advisory Commission was not in favor of commingling funds for IDEA with other funds such as Title I, although it is still hopeful that full funding will occur as pledged when IDEA ’97 was made into law. ACSE Commissioners will also watch with interest any amendments that define or change discipline procedures for special education students.

**The California Advisory Commission on Special Education also studied the following federal legislation in its relevance to special education:**

**H.R. 73 (Jackson-Lee)**

A bill to require the secretary of education to conduct a study and submit a report to the Congress on methods for identifying and treating children with dyslexia in kindergarten through third grade. [Early Detection of Dyslexia in Children Act of 2001] *Terri “Sam” Swanson*

**H.R. 371 (Rivers)**

A bill to amend the Individuals with Disabilities Education Act relating to the minimum number of state grants for any fiscal year under Part B of that act. *Linda Wyatt*

**Commission Charge and Membership\***

“The Commission shall study and provide assistance and advice to the State Board of Education, the State Superintendent of Public Instruction, the Legislature, and the Governor in new or continuing areas of research, program development, and evaluation in special education. The Commission shall also do the following:

Comment publicly on any rules or regulations proposed by the state regarding the education of individuals with exceptional needs, as defined in Section 56026.

Advise the Superintendent of Public Instruction in developing evaluations and reporting on data to the Secretary of Education in the United States Department of Education under Section 1418 of Title 20 of the United States Code.

Advise the Superintendent of Pubic Instruction in developing corrective action plans to address findings identified in federal monitoring reports under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

Advise the Superintendent of Public Instruction and the State Board of Education in developing and implementing policies relating to the coordination of services for individuals with exceptional needs.

The Commission shall report to the State Board of Education, the Superintendent of Public Instruction, the Legislature, and the Governor not less than once a year on the following with respect to special education:

Activities enumerated in Section 56100 that are necessary to be undertaken regarding special education for individuals with exceptional needs

The priorities and procedures utilized in the distribution of federal and state funds

The unmet educational needs of individuals with exceptional needs within the state

Recommendations relating to providing better education services to individuals with exceptional needs, including, but not limited to, the development, review, and revision of the definition of ‘appropriate’ as that term is used in the phrase ‘free and appropriate public education’ for the purposes of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.)”

*\* As defined in Education Code, Part 20, Chapter 4, Article 6, on the Advisory Commission on Special Education (Amended by SB 1686, Chapter 691, Statutes of 1998)*

Composition

The Commission shall consist of 17 members:

- One member of the Assembly
- One member of the Senate
- Three public members appointed by the Speaker of the Assembly
- Three public members appointed by the Senate Committee on Rules
- Four public members appointed by the Governor
- Five public members appointed by the State Board of Education upon recommendation of the State Superintendent of Public Instruction or the members of the State Board of Education

Terms

The members of the Legislature appointed to the Commission shall serve at the pleasure of the appointing power.

Each public member shall serve a four-year term.

Terms of public members expire December 31.

Amount of Time Required by Members

The Commission holds eight regular meetings and additional ad hoc task force meetings as needed. Committee meetings are generally set within the framework of regular meetings.

In addition, there is sometimes a need for one or two days a month to prepare for Commission meetings or to attend State Board of Education meetings and special conferences when authorized by the Commission.

Compensation

Members of the Commission serve with no compensation. They are reimbursed for the expenses they incur in the performance of their duties.

Statutory Authority

Individuals with Disabilities Education Act (IDEA) [20 U.S.C Section 1412 (a)(21)]. *California Education Code*, Section 33590. For full text, visit the following websites: <<http://www.leginfo.ca.gov/calaw.html>> and < <http://www4.law.cornell.edu/uscode/>>.

Structure

AB 192 (Canciamilla)

Reorganizes and recasts the definition of state body for the purposes of the Bagley-Keane Open Meeting Act. Defines the term action taken to mean, among other things, a collective decision made by members of a state body, but does not define the term meeting.

(Oppose: The language of section §11122.5(b) of this bill is dangerously vague.) *Larry Siegel*

AB 508 (Pavley)

Requires the superintendent of pubic instruction to eliminate or reduce those reviews for schools that have received a score of 825 or higher on the Academic Performance Index (API), if the school has maintained that score for at least two consecutive years.

(Support: This bill would streamline the current review process required of schools that operate categorical programs, and reward high achieving schools.) *Patty Boyle*

AB 1238 (Alquist)

Authorizes schools to apply to the state department of education for funding to establish and implement a personal learning agreement system, as specified, at their school. Requires each school that is selected to participate in the program to receive a grant in the amount of \$50 a year for each pupil who participates in the program for an entire calendar year.

(No support because of the financial ramifications of the bill.) *Shirley Kaltenborn*

Federal Legislation

ACSE Commissioners followed various bills in Congress, especially those pertaining to full funding of the Individuals with Disabilities Education Act of 1997 (IDEA).

S.1 (Jeffords)

A bill to extend programs and activities under the Elementary and Secondary Education Act of 1965. The measure was amended on May 3, 2001, to fully fund the 40 percent of the average per pupil expenditure for programs under Part B of the IDEA (Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act [IDEA]). The amendment mandates an increase in the federal contribution by \$2.5 billion each year for six years to reach the full funding level. The amendment would further allow a local educational agency (LEA) to treat as local funds, up to 55 percent of the amount it received under Part

# Membership Directory 2000–2001

### AB 1095 (Wright)

States the intent of the legislature to enact legislation that would require every child entering their first year of enrollment into elementary school, whether public or private, to undergo a comprehensive eye examination by an optometrist or ophthalmologist that includes testing for vision skills related to reading, including, but not limited to, eye teaming, focusing, and tracking.

(Support: This bill requires that children entering school receive appropriate screening and evaluation of their health status, thus ensuring children the opportunity to learn and grow in the best possible manner.)

*Linda Wyatt/Julie Kennedy*

### SB 231 (Ortiz)

Requires the State Department of Health Services to amend this state’s Medicaid plan to accomplish various goals aimed at enhancing Medi-Cal services provided on school sites, and access by students to these services. Requires the department to establish an advisory committee to assist in formulating these state plan amendments. Also establishes in the State Department of Health Services an Office of Public School Assistance.

(Support: This bill benefits school districts and special education local plan areas (SELPAs) by increasing their federal funds through reimbursement for services rendered to public school students.)

*Angela Hawkins*

### SB 391 (McPherson)

Requires each county office of education to employ a credentialed school nurse as a consultant to provide leadership and coordination of mandated and appropriate health services to pupils. Establishes the Tobacco Settlement Fund in the State Treasury into which the state share of all funds received in the tobacco litigation Master Settlement Agreement of 1998 would be required to be deposited. Appropriates \$4 million from the fund for the purposes of the bill.

(Support: This bill would address the shortage of nurses hired to work in school districts, and thus make it more possible for students and their families to be informed of the types of community health services available to them.) *Linda Wyatt*

### SB 606 (Vasconcellos)

Relates to a child’s vision being appraised by the school nurse or other authorized persons. Requires appraisal of the child’s eye tracking and fixation, focusing, and eye-teaming.

(Support: This bill helps educators appropriately label vision problems in students and helps to reduce the instance of mistaking seeing difficulties for learning disabilities.) *Julie Kennedy*

Member Name	Term	Appointed by
Loeb Aronin, <i>Chair</i>	10/10/96–12/31/01	State Board
Louis Cassani, <i>Vice Chair</i>	11/27/96–12/31/99*	Assembly
Angela Hawkins, <i>Chair Elect</i>	1/01/00–12/31/03	State Board
Allison B. Brightman, <i>Vice Chair Elect</i>	1/01/00–12/31/03	State Board
Patty Boyle	11/03/00–12/31/03	Assembly
Patricia Flores-Charter	5/26/00–12/31/03	Governor
Karla Geller	5/26/00–12/31/01	Governor
Shirley Kaltenborn	7/06/98–12/31/01	Governor
Julie Kennedy	6/26/00–12/31/03	Senate
Veronica Lomeli	11/27/96–12/31/99*	Assembly
Janet Mangini	1/01/00–12/31/03	State Board
Barbara Monroe	1/05/98–12/31/01	Senate
Lawrence Siegel	1/19/94–12/31/01	Assembly
Terri “Sam” Swanson	1/25/01–12/31/03	State Board
Jim Woodhead	3/23/01–12/31/03	Assembly
Linda C. Wyatt	2/28/00–12/31/03	Governor
Vacant	6/01/01–12/31/03	Senate

### Student Members

Shawn Mohamed	1999–2001
Danielle Morin	1999–2001
Sean Rossall	2001–2003
Kevin Verdi	2001–2003

### Legislative Members

Senate: Charles Poochigian  
Assembly: Fran Pavley

### Executive Secretary

Alice D. Parker, *Govenor’s Office, Secretary for Education Liaison*  
Theresa Garcia, *Deputy Secretary for K–12 Education and Early Childhood Development*

### State Board Liaison

Susan Hammer

### State Special Schools Liaison

Ronald Kadish

### Commission Staff Liaison

Janet Canning

### Commission Secretary

Yolanda Starr

\* *In accordance with the ACSE bylaws, Article I, Section 4, “Tenure,” “Every Commissioner whose term has expired may continue to discharge the duties of his/her office until his/her successor has qualified.” For information regarding the vacancies on the ACSE, please contact the Commission Secretary at ystarr@cde.ca.gov or 916/323-9768.*

# The Commissioners: A Composite Profile

Members of the Commission represent a wide range of experiences and qualifications. Commissioners are parents and grandparents of children with disabilities. Some have disabilities themselves. They are special education teachers and instructional assistants, administrators, legislative representatives, attorneys, business leaders, psychologists, authors, speech and language specialists, and university instructors.

Additionally, Commissioners bring to the organization varied backgrounds in bilingual special education, school and district

**T**he Commissioners are passionate in their quest to ensure that children with disabilities receive appropriate services. The Commissioners commit their time and expertise to support the Commission's goals.

administration, foster care and child development, fine arts in special education, school transition, and nonpublic school placement. Commissioners are members of many advocacy groups and serve on advisory boards and committees for children with disabilities, dedicated to improving services for all children with special needs.

The members of the Commission are a committed group. They are passionate in their efforts to ensure that children with disabilities receive appropriate services, and they volunteer their time and expertise to support the Commission as it works to realize these goals.



## Teachers and Support Staff/Services

### AB 149 (Zettel)

Expands the definition of qualifying educational institutions for purposes of the tax credit for credentialed teachers to include preschool, prekindergarten, and adult education, and extends that credit to also apply to credentialed specialists, as provided.

(Support: AB 149's clarification that the teacher tax credit program is for teachers and credentialed specialists providing direct services to children is an important step in letting teachers teach, helping children succeed, and addressing the shortage of needed specialists.) *Shirley Kaltenborn*

### AB 855 (Dutra)

Relates to compensation of teachers at state special schools. Requires salaries paid to teachers and administrators employed by state special schools, or by the Departments of Mental Health, Developmental Services, Rehabilitation, Youth Authority, or Corrections, or by a school district to teachers in cadet camps, or certain diagnostic centers, to be no less than the salaries of public school teachers and administrators.

(Support: This bill is a step toward remedying the dramatic loss of qualified teachers available to state special schools by helping to ensure those teachers of a salary comparable to that of their peers in general public education.) *Shirley Kaltenborn*

### SB 50 (Machado)

Authorizes until June 1, 2003, a person who has performed the functions of a speech-language pathology aide for a specified amount of time within the last five years to apply for registration as a speech-language pathology assistant.

(Support: This bill helps to rectify the problem of excessive special education speech therapy caseloads and shortages of speech-language specialists.) *Janet Mangini*

## Health Issues

### AB 163 (Florez)

Creates the Tobacco Settlement Fund in the State Treasury into which the state share of all funds received from the tobacco litigation Master Settlement Agreement of 1998 will be deposited commencing July 1, 2002.

(Support: This bill would use funds from tobacco settlements to place nurses in public schools.) *Shirley Kaltenborn*

### AB 789 (Salinas)

Establishes a system of mental health services for seriously emotionally disturbed children whose mental health service needs cannot be met with funds provided through certain public programs or private health insurance; requires the State Department of Mental Health to award three-year grants on an annual basis, through a competitive process, to counties that meet certain eligibility requirements.

(Support: This bill would help to support those families who cannot afford to provide mental health care for their children who most need these services.) *Loeb Aronin*

**SB 404** (Polanco)

Repeals the position of Superintendent of Correctional Education. Establishes the Correctional Education Board within the Department of Corrections. Requires the board to approve education programs in correctional institutions and adopt rules for the admission of inmate students to these programs. Requires the board to provide every inmate who has a reasonable expectation of release with the opportunity to achieve a level of functional literacy.

(Support: This bill assures the presence of a special education perspective on the Correctional Education Board.) *Janet Mangini*

**Early Start**

**AB 1539** (Pavley)

Requires the superintendent of public instruction to develop procedures and take steps necessary to ensure that a child's records, including, but not limited to, preschool or infant or toddler program records, transfer to a public school when the child transfers. Would require the superintendent to advise local education agencies regarding related federal Head Start requirements, and would make conforming changes.

(Support: The bill ensures that vital educational information about a student follows that student from school to school or from agency to agency.) *Allison Brightman*

**Americans with Disabilities Act**

**AJR 1** (Havice)

Requests the president of the United States and Congress to support the intent of all provisions of the Americans with Disabilities Act (ADA).

(Support: This important act of legislation helps to protect the civil rights of students with disabilities.) *Linda Wyatt*

**AB 925** (Aroner)

Requires the secretary of the Health and Human Services Agency to create a sustainable, comprehensive strategy to accomplish various goals aimed at bringing persons with disabilities into employment, including increasing the capacity of state programs to achieve this goal. Requires the secretary to work, at a minimum, with specified state departments, and to establish and staff the Workforce Inclusion Council.

(Support: This bill supports efforts to improve the rate of employment of persons with disabilities, and also allows them to continue Medi-Cal coverage after employment.) *Linda Wyatt*

# 2000–2001 Committee Reports

## Program/Policy: Shaking Up the Status Quo?

Chairpersons: Allison B. Brightman and Lawrence Siegel



### Overview

The Program and Policy Committee organized presentations on topics that revolved around one central question: How will our state continue to raise the academic and performance standards for students in special education programs while many school districts are still struggling to maintain the status quo? To better define this conundrum, ACSE's Program/Policy Committee held meetings with stakeholder groups that represented teachers,

resource specialists, administrators, parents, and others who are concerned about the future of special education in California. The groups offered differing perspectives on the challenges facing special education in our state,

but they all seemed to agree that inadequate funding threatens not only the present level of service, but also any future chance of improving outcomes for students.

In addition, the Committee invited speakers who stimulated discussion on the following topics:

- The formation of an active stakeholder group that would independently address the issue of inadequate funding for special education
- The possibility of removing misplaced financial incentives for the education of children in licensed children's institutions
- The exclusion of ACSE from discussions about drafting a new Master Plan for Education
- The status of the California Department of Education's compliance with federal law
- The disproportionate impact of “zero tolerance” discipline policies on minority students in special education
- The effect of the Mandatory Cost Claims settlement on special education programs
- Whether students in special education programs would benefit if their parents were given vouchers to pay for private or alternative programs
- Whether students in special education programs have adequate access to standardized assessments; or if a particular student in a special education program cannot participate in standardized testing, whether that student is being assessed properly using other methods
- Whether to continue to use the “discrepancy model” (as mandated by California Code of Regulations Section 3030[j]) to determine if a student has a specific learning disability (SLD)
- Whether the imposition of the California High School Exit Examination (HSEE) will harm students in special education programs
- Whether adequate funding produces special education programs that more effectively educate students

Compliance with IDEA '97

AB 164 (Harman)

Relates to special education due process hearings. Authorizes a local education agency to establish procedures to require parents who choose not to use the mediation process available for complaints regarding alleged violations of the Individuals with Disabilities Education Act to meet, at a time and location convenient to parents, to encourage the use and explain the benefits of the mediation process to parents.

(Support: This bill provides easy and ample motivation for parents and school districts to explore mediation as an alternative method of dispute resolution.) *Allison Brightman*

AB 379 (Papan)

This bill repeals Education Code Section 62000.8, the special education sunset review statute.

(Support: This bill brings California into alignment with the Individuals with Disabilities Education Act [IDEA].) *Janet Mangini*

SB 1105 (Margett)

Deletes the provision requiring that each meeting to develop or revise the individualized education program of an individual with exceptional needs be conducted by an individualized education program team, and replaces it with another similar provision, pertaining to the individualized education program team, but includes the pupil's regular education teacher.

ACSE Sponsored (Support: The revisions that this bill provides assist in conforming California's special education statutes to federal laws and regulations relating to the Individuals with Disabilities Education Act [IDEA].) *Barbara Monroe*

AB 939 (Nation)

Requires the state department of education to administer the extraordinary cost pool to also protect special education local plan areas (SELPAs) from the extraordinary costs associated with placements and services in nonpublic agencies.

(Support: This protects SELPAs from extraordinary costs associated with placing a child in a nonpublic agency.) *Julie Kennedy*

AB 992 (Papan)

Authorizes a nonpublic, nonsectarian school under contract with a school district, county office of education, or special education local plan area to submit a request to the local educational entity for funds to compensate specified employees. Deletes the provision prohibiting reimbursement by the state for special education and related services provided by a nonpublic, nonsectarian school.

(Oppose: This bill provides no guarantee from the relevant nonpublic schools that the quality of education, related to educational standards, would improve.) *Angela Hawkins*

after graduation. ACSE will continue to encourage legislators and the CDE to ensure appropriate accommodations are available for students with disabilities who take the HSEE.

Master Plan

An educational Master Plan is being developed for California's schools, colleges, and universities. This plan would provide a comprehensive organizing template for public institutions of learning. After hearing from the Principal Consultant of the Joint Committee to Develop a Master Plan for Education, ACSE Commissioners sent letters and talked in person to some leaders of the seven workgroups that have been formed to provide direction for the plan's development. ACSE believes that special education needs a representative on these workgroups. This would insure that students who receive special education services would be envisioned as an integral part of the plan. Highly qualified members of the Commission have volunteered their time and expertise to serve on each of the seven workgroups. [For more information or to send written testimony on the Master Plan, go to <<http://www.sen.ca.gov/masterplan>>.]

Foster Youth in Licensed Children's Institutions

The Commission supports transferring educational services for foster children from expensive "on-site," nonpublic schools to programs run by local education agencies. Certain California public schools have demonstrated the ability to provide fiscally prudent educational services for foster children residing in licensed children's institutions. The public school programs also offer more services delivered by appropriately credentialed instructors than their private school counterparts. ACSE plans to urge legislators to look at the 5<sup>th</sup> Avenue Academy in Chula Vista, California, in the Sweetwater Union High School District, as a public school that demonstrates this kind of success.

State Legislation

The following California legislative bills were individually reviewed and tracked by Commissioners. The bills have been grouped by topic, with the name of each bill's author following the title. Whether ACSE supported or opposed the bill is indicated after each description. Reasons for ACSE's position are included, along with the name of the Commissioner who tracked each bill. (See key to bill abbreviations below.)

Key:

- AB: Assembly Bill
- SB: Senate Bill
- HR: House Resolution
- H.Con.Res: House Concurrent Resolution
- S: Senate

Program/Policy Central Focus: Funding for Special Education

Issue

Whether students in both special and general education programs would benefit from increased funding

Actions

The following challenges were among those identified by stakeholder groups as the ones most affected by the shortfall in funding for special education: class size reduction, facility upgrading, teacher pay, teacher training, federal funding of 40 percent, and alternative sources for special education funding.

In 2000, the Commission held hearings and actively supported a study that called for increased funding of the due process hearing system. As a result of the study, an additional \$3 million was received to implement the changes suggested by the study.

Other Key Issues

Stakeholders

Issue

Whether a strong coalition of special education and general education groups prove essential in efforts to secure the support and funding needed to serve children in special and general education

The Advisory Commission believes that the lack of system-wide funding for all educational programs—as reflected in inadequate programming, excessively large class sizes, teacher shortages, and other structural failures—is so significant that it dwarfs all other problems in special education. ACSE believes that the need for a qualitative increase in funding is an issue that all educational stakeholders can agree upon and must work toward.

Actions

The ACSE has held a series of meetings and discussions with educational stakeholders regarding this issue and has recommended the formal creation of a statewide stakeholder's coalition. See the letter on the following page. ACSE has offered to assist in the development of this coalition.



October 4, 2000

**ADVISORY COMMISSION ON SPECIAL EDUCATION (ACSE)  
“CALL TO ACTION” ALL KEY EDUCATIONAL STAKEHOLDERS**

Dear Stakeholder:

There are times when an issue is recognized to be so important that parties with seemingly diverse interests can and must unite for a common goal.

The ACSE believes we have reached such a time. Both special and general education face one common and over-arching foe—a severe, fundamental lack of funding. Piecemeal, incremental budgetary increases—as welcomed as they are—are simply insufficient to ensure that the significant expectations we place on our educational systems can be reasonably met.

The ACSE seeks your opinion on this important issue, and urges you to attend a preliminary meeting on Thursday, October 19, 2000 from 1:00 P.M. to 5:00 P.M., at the California School for the Blind, Theatre, 500 Walnut Avenue, Fremont, CA 94536. A proposed agenda for this meeting is attached. Following the October meeting, there will be a larger meeting in November, at which time we hope to join all major stakeholders together to develop a coalition and long-term strategy.

The ACSE proposes that all key, educational stakeholders unite so that our diverse, but determined community can go before the Governor, state and federal legislatures, and the general public to demand the resources necessary to ensure that children in California are appropriately educated. As the concept of “accountability,” becomes a national consensus, the gap between high expectations and fiscal support grows. One without the other is inexcusable. We can no longer rely on existing, narrow practices to secure adequate funding. Concomitant with significantly increased expectations for education, there must be the kind of resource commitment this nation has made when it faced other crises.

The Governor’s budget pledge of an additional \$1.8 billion is well below the \$6 billion needed to reach the national average. We can no longer employ a “rob Peter to pay Paul” approach. The most desperately needed changes—class size reduction, is just one example—fail because even as decision-makers agree on the need, they know that funding can only come from other existing and important programs. The ACSE believes that although general and special education stakeholders will no doubt continue to disagree on many things, we can all agree that the present educational system must be overhauled. Many stakeholders will agree that increased educational funding is the most important factor in reaching that goal.

Again, we urge you to attend our October meeting if at all possible. If you are unable to attend the October meeting, there will be follow-up meetings and further opportunities to participate in this very important movement. To that end, PLEASE complete the attached form and fax it back to the Commission’s office AS SOON AS POSSIBLE. We would appreciate it if you would also call the Commission at 916/445-4603 to indicate whether you will attend the October 19<sup>th</sup> meeting. In addition, please notify other stakeholder groups whom we may have inadvertently omitted from our invitation list. We look forward to seeing you.

Sincerely,  
Loeb Aronin, Chair  
*Advisory Commission on Special Education*

# 2000–2001 Committee Reports

## Legislative/Finance

Chairpersons: Shirley Kalttenborn and Barbara Monroe

During 2000–2001, all ACSE Commissioners became actively involved in the legislative process. Each researched at least one bill and then reported on its progress monthly at ACSE meetings. Additionally, many Commissioners greeted the newly elected legislators in January with a copy of ACSE’s annual report and informed the legislators of the work that ACSE does. The ACSE Commissioners and student members, along with representatives from CARS+ (California Association of Resource Specialists and Special Education Teachers), formed advocacy teams that also visited legislators and staff to express concerns about the following four major areas:

### Class Size/Case Load Reduction

ACSE had co-sponsored two bills that attempted to rectify the burden that large class sizes and unwieldy case loads place on special education professionals, not to mention the disadvantages those large class sizes create for students. These two bills had been killed in previous years when held in suspense by the Assembly Appropriations Committee. This refusal on the part of the legislators to remedy unfavorable conditions within the special education profession appears to be

driving many teachers and service providers out of the field. As a result, ACSE unanimously agreed that the high numbers of teachers leaving special education as a result of overwork and burnout had become a crisis. The Commission will continue to educate legislators about the needs of these professionals.

### High School Exit Exams

ACSE is working with the California Department of Education and major

stakeholders to make the High School Exit Exam (HSEE) more acceptable to the special education community. The special education community fears that students who regularly need special testing accommodations won’t receive them for the HSEE, and, as a result, won’t receive a high school diploma. One possible solution to this dilemma might be a three-tiered diploma, which would award a standard “general” diploma to the majority of students, an honors or AP (Advanced Placement) diploma, and then a diploma for those special education students who achieved their IEP goals. This approach has been tried in several other states with success. This plan would document the effort, accomplishment, and commitment of all students, thus increasing their chances of full employment



**The Effect of the Imposition of the California High School Exit Examination on Students in Special Education Programs**

**Issue**

Whether the imposition of the California High School Exit Examination (HSEE) will harm students in special education programs

**Actions**

The Commission is concerned that the state’s requirement of a passing grade on the new HSEE will deprive many students with disabilities of a high school diploma. As a result, the Committee convened a panel comprised of parents and educators at the California School for the Deaf, Fremont. The panel proposed that ACSE seek legislation that would allow all students who successfully complete a high school course of study to receive some kind of diploma—whether or not they passed the HSEE. The proposal would allow students to receive recognition for their accomplishments and would support students in their efforts to obtain gainful employment.

The panel investigated the current diploma systems in New York, North Carolina, and Maryland. These states offer alternative diplomas to recognize the various strengths of high school students. Members of the panel suggested that California adopt a similar system. As a result of the panel’s findings, ACSE decided to aim its legislative efforts at supporting students with disabilities in their efforts to find employment and/or continue their education, even if they do not pass the HSEE.

**The Success of Adequately Funded Special Education Programs**

**Issue**

Whether adequate funding produces special education programs that more effectively educate students

**Actions**

ACSE examined special education programs that received sufficient financial support. While these programs are run at a fraction of the cost of equivalent nonpublic schools, they have made significant academic gains. The progressive elements of the programs include low staff-to-student ratios, monthly student progress reports, diagnostic instruction, staff development, and innovative learning programs.

Commissioner Angela Hawkins reported on a public school characterized by small class sizes, standards-based curriculum, highly trained teachers, an on-site psychologist, the provision of speech therapy five days a week, the presence of classroom assistants in each room, vision therapy, musical instruction for all students, all high school electives, and flexible scheduling. Students who had previously done poorly in school are now experiencing success.

ACSE agreed to devote meeting time to further examine the issue of adequate funding, and to explore the topic with stakeholder groups, as well.

**Licensed Children’s Institution/ Nonpublic School (LCI/NPS )**

**Issue**

Whether children placed in licensed children’s institutions (LCIs) who are presently educated at the nonpublic schools (NPS) on the LCI campuses would receive a more appropriate and fiscally responsible education from the local education agency

**Action**

ACSE has made this issue one of priority for the 2001–2002 year, and will look into ways in which funding might be provided to LEAs in order to provide more educationally and fiscally appropriate educational programs for children placed in LCIs.

**Master Plan**

**Issue**

The state legislature has begun discussions and meetings regarding the need for a new state educational Master Plan, but has failed to include representatives of special education in this plan.

Given the fundamentally important issues facing special education, representatives from that field must be directly involved in any legislative activity on a new Master Plan.

**Action**

ACSE has formally requested information about the Master Plan activities and has asked that ACSE and other special education stakeholders be directly involved in any subsequent work on the Master Plan.

**Federal Compliance**

**Issue**

Whether the California Department of Education (CDE) merits the close monitoring by the U.S. Department of Education regarding individual and systemic noncompliance with IDEA mandates

The California Department of Education (CDE) has continually updated ACSE on these activities.

**Action**

ACSE has requested that the CDE keep it fully informed about compliance activity and has taken particular interest in changes made in the CDE to better address the ongoing and serious problems of noncompliance.

Mandatory Cost Claims

**Issue**  
Whether litigation and other activities regarding mandatory cost claims in California have a negative impact on special education and special education funding

**Action**  
ACSE will continue to monitor this issue and make recommendations as deemed appropriate.

Zero Tolerance Discipline Policies

**Issue**  
Whether zero tolerance discipline policies have a disproportionate impact on minority students in special education

**Actions**  
The Committee invited a Harvard University Civil Rights Project representative to speak on the issue of zero tolerance. A relevant document, *Minority Issues in Special Education*, stated that “race, ethnicity, and gender account for significant overrepresentation of minority students in special education, even after accounting for the effect of poverty.”

The study recommended the following actions:

- Provide greater resources for oversight
- Cross-train educators
- Raise academic performance for the most disadvantaged students
- Advance parent education and training
- Add accountability measures beyond training

ACSE asked for corresponding data from CDE to determine whether students in California were being disproportionately impacted by such policies.

School Vouchers

**Issue**  
Whether students in special education programs would benefit from a voucher system that would help pay for private or alternative programs

**Actions**  
The Committee invited Brian Bennett of Local Choice 2000 and Maureen Burness of the California Association of School Administrators to debate the merits of Proposition 38 in support of school vouchers.

The Commission moved to express its concern that Proposition 38 would negatively affect children with special needs, specifically by supporting institutions that could deny them access and protections guaranteed by the Individuals with Disabilities Education Act (IDEA) and California law.

Alternative Assessments of Children in Special Education Programs

**Issue**  
Whether students in special education programs have adequate access to standardized assessments; or, additionally, if students in a special education program cannot participate in standardized testing, whether those students are being assessed properly using other methods

**Actions**  
The Committee invited Mark Fetler, Consultant, California Department of Education (CDE), to describe the CDE’s efforts, as decreed by IDEA '97, to provide alternate assessments of students in special education. Some of the topics covered included participation, reporting, and scoring.

Diana Blackmon, a CDE consultant, briefed the Commission on the activities of the Modified Grades Workgroup, which addressed how the call for accountability affects students with disabilities and what the CDE is doing to ensure appropriate accountability.

Use of Discrepancy Model in Identifying Students with Specific Learning Disabilities

**Issue**  
Whether to continue to use the “discrepancy model” (as mandated by California Code of Regulations, Section 3030[j]) to determine if a student has a specific learning disability (SLD), given the concern that many students are not getting their needs met because they are being both underidentified and overidentified with learning disabilities

**Actions**  
David Raske, Professor of Special Education, California State University, Sacramento and Devena Reed, Consultant, CDE, provided the Commission with the results of a statewide SLD Discrepancy Workgroup. The purpose of the workgroup was to guide the development and to support the implementation of relevant California legislation and regulatory changes, if any.

The document produced by the workgroup, *Recommendations of the Specific Learning Disability Workgroup to the California Department of Education*, is available at <<http://www.cde.ca.gov/spbranch/sed/sldrecom.pdf>>.